

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SONYA J. ABRAMS,)	
<i>Plaintiff,</i>)	
)	
vs.)	1:14-cv-272-JMS-MJD
)	
FMS INVESTMENT CORP.,)	
<i>Defendant.</i>)	

ORDER

Plaintiff Sonya J. Abrams filed this putative class action on February 24, 2014, alleging that Defendant FMS Investment Corp. (“FMS”) has violated the Fair Debt Collection Practices Act. [[Filing No. 1](#).] On April 24, 2014, FMS filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). [[Filing No. 18](#).] On May 6, 2014, Ms. Abrams filed an Amended Complaint.¹ [[Filing No. 24](#).]

“When a plaintiff files an amended complaint, the new complaint supersedes all previous complaints and controls the case from that point forward.” [Massey v. Helman, 196 F.3d 727, 735 \(7th Cir. 1999\)](#). Thus, FMS’ pending Motion to Dismiss is moot. *See, e.g., Energy Mgmt. Int’l, Inc v. Indopco, Inc., 2007 WL 3232217 n.1 (S.D. Ind. 2007)* (denying as moot a pending motion to dismiss in light of an amended complaint).

Accordingly, FMS’ pending Motion to Dismiss is **DENIED AS MOOT**. [[Filing No. 18](#).] FMS shall answer or otherwise respond to Ms. Abrams’ Amended Complaint, [[Filing No. 24](#)], as set forth in the Federal Rules of Civil Procedure.

¹ Federal Rule of Civil Procedure 15(a)(1)(B) allows a plaintiff to amended her complaint once as a matter of course if it is done within 21 days after service of a motion under Rule 12(b).

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Daniel A. Edelman
EDELMAN COMBS LATTURNER & GOODWIN LLC
courtecl@edcombs.com

Michelle R. Teggelaar
EDELMAN COMBS LATTURNER GOODWIN
mteggelaar@edcombs.com

Daniel W. Pisani
SESSIONS FISHMAN NATHAN & ISRAEL
dpisani@sessions-law.biz

James K. Schultz
SESSIONS, FISHMAN, NATHAN & ISRAEL, LLP
jschultz@sessions-law.biz